

United States Senate

WASHINGTON, DC 20510

December 3, 2018

The Hon. Brian A. Benczkowski
Assistant Attorney General
Criminal Division
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Mr. Benczkowski,

On November 28, *The Miami Herald* published the results of a lengthy investigation into the crimes of Jeffrey Epstein.

The fact that federal prosecutors appear to have crafted a secret, sweetheart deal for this child rapist should enrage moms and dads everywhere. Epstein, a wealthy hedge-fund manager, “assembl[ed] a large, cult-like network of underage girls — with the help of young female recruiters — to coerce into having sex acts behind the walls of his opulent waterfront mansion as often as three times a day”¹ and “was also suspected of trafficking minor girls, often from overseas, for sex parties at his other homes in Manhattan, New Mexico and the Caribbean.”² According to *The Miami Herald*:

In 2007, despite ample physical evidence and multiple witnesses corroborating the girls’ stories, federal prosecutors and Epstein’s lawyers quietly put together a remarkable deal for Epstein, then 54. He agreed to plead guilty to two felony prostitution charges in state court, and in exchange, he and his accomplices received immunity from federal sex-trafficking charges that could have sent him to prison for life. He served 13 months in a private wing of the Palm Beach County stockade. His alleged co-conspirators, who helped schedule his sex sessions, were never prosecuted. The deal, called a federal non-prosecution agreement, was sealed so that no one — not even his victims — could know the full scope of Epstein’s crimes and who else was involved. The U.S. attorney in Miami, Alexander Acosta, was personally involved in the negotiations, records, letters and emails show.³

The reporting continues:

¹ Julie K. Brown, *How a future Trump Cabinet member gave a serial sex abuser the deal of a lifetime*, MIAMI HERALD, Nov. 28, 2018, <https://www.miamiherald.com/news/local/article220097825.html>.

² *Id.*

³ Julie K. Brown, *Cops worked to put serial sex abuser in prison. Prosecutors worked to cut him a break*, MIAMI HERALD, Nov. 28, 2018, <https://www.miamiherald.com/news/local/article214210674.html>.

Documents . . . show that Acosta not only buckled under pressure from Epstein's lawyers, but he and other prosecutors worked with them to contain the case, even as the FBI was uncovering evidence of victims and witnesses in other states, FBI and federal court documents show. A 53-page federal indictment had been prepared in 2007, and subpoenas were served on several of Epstein's employees, compelling them to testify before a federal grand jury. The court records reveal that emails began to fly back and forth between prosecutors and Epstein's legal team. Those emails show that federal prosecutors kept acquiescing to Epstein's demands. Prosecutors allowed Epstein's lawyers to dictate the terms of each deal that they drew up, and repeatedly backed down on deadlines, so that the defense essentially controlled the pace of the negotiations, the emails and letters show. It's clear, from emails and other records, that prosecutors spent a lot of time figuring out a way to settle the case with the least amount of scandal. . . . The email chain shows that prosecutors sometimes communicated with the defense team using private emails, and that their correspondence referenced discussions that they wanted to have by phone or in person, so that there would be no paper trail.⁴

The reporting also specifies:

Epstein — who had a long list of powerful, politically connected friends — didn't go to state prison like most sex offenders in Florida. Instead, the multimillionaire was assigned to a private wing of the Palm Beach County stockade, where he was able to hire his own security detail. Even then, he didn't spend much time in a cell. He was allowed to go to his downtown West Palm Beach office for work release, up to 12 hours a day, six days a week, records show. He was permitted to hire his own private psychologist for his required sex-offender counseling, and after his release from jail, his subsequent year of probation under house arrest was filled with trips on his corporate jet to Manhattan and to his home in the U.S. Virgin Islands — all approved by the courts with no objections from the state. On the morning of his sentencing in 2008, none of Epstein's victims were in the courtroom to protest his soft jail term or the unusual provisions of his incarceration and probation — and that was by design. Emails and letters contained in court filings reveal the cozy, behind-the-scenes dealings between federal prosecutors and Epstein's indomitable legal team during the run-up to his federal plea deal, as they discussed ways to minimize his criminal charges and avoid informing the girls about the details of the deal until after the case was resolved.⁵

The fact that this monster received such a pathetically soft sentence is a travesty that should outrage us all. I am particularly disturbed by this reporting indicating that federal prosecutors went out of their way to arrange this sweetheart deal for Epstein and conceal it from the women and girls that he abused who could have objected to it, in apparent violation of federal law.

⁴ *Id.*

⁵ Julie K. Brown, *Even from jail, sex abuser manipulated the system. His victims were kept in the dark*, MIAMI HERALD, Nov. 28, 2018, <https://www.miamiherald.com/news/local/article219494920.html>.

We need answers about this epic miscarriage of justice.

As such, I ask that you provide my team and I with a briefing on the Department's decision-making process in the course of this matter. In the course of this briefing, please be prepared to provide my team and I with any and all documentation in the possession of the Department regarding the *Herald* investigation's conclusions. I request that you respond to my request in writing by the end of this week, December 7. If you have any questions, please contact my staff at (202) 224-4224. I look forward to your prompt response.

Sincerely,

A handwritten signature in blue ink that reads "Ben Sasse". The signature is fluid and cursive, with "Ben" on the left and "Sasse" on the right, connected by a horizontal line.

Ben Sasse
United States Senator
Chairman, Senate Judiciary Subcommittee on Oversight,
Agency Action, Federal Rights and Federal Courts